S.B. Civil Contempt Petition No.10/2004

Keshu Ram & Anr. vs. Rawata Ram Saran & ors.

Date : 3.4.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. MR Godara, for the petitioners.

Mr. SK Vyas, GA a/w Mr.N Mulchandani, Dy.GA, for respondents

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Heard learned counsel for the parties.

According to the petitioners, despite the injunction order in their favour which was passed by the Revenue Appellate Authority, Bikaner in the appeal preferred by the petitioners, copy of which is placed as Annex.19, the respondents did not provide the irrigation facility to the petitioners. The petitioners moved application for punishing the contemners before the Revenue Appellate Authority but they have not been punished. The petitioners placed on record several documents to show that despite the order of the Court, the petitioners have failed to get the relief.

This Court after taking note of the facts of the case, by order dated 17.12.2004, issued notice to the contemner. The contemner submitted reply to the contempt petition and informed that the order has been complied with.

Learned counsel for the petitioners submits that the order has not been fully complied with. According to learned counsel for the petitioners, instead of providing irrigation facility for 20 bighas of land, the respondents

have given irrigation facility for 16 bighas of land. It is also submitted that in fact, the first slip has been shown to be issued in the month of September, 2005 but in fact, it was issued in the month of January, 2006.

Learned counsel for the respondents submit that the respondents have explained all position by filing the reply. According to the respondents, four bighas land is an uncommand area, therefore, the irrigation facility was provided to 16 bighas of land. It is submitted that the irrigation facility has been provided to the petitioners from the month of September, 2005.

In view of the above, substantially, the order of the Revenue Appellate Authority has been complied with. If the order passed by the Revenue Appellate Authority directing the respondents to provide irrigation facility to the petitioners is concerned, the learned Revenue Appellate Authority shall see that that order be complied with in future also and for that, the Revenue Appellate Authority may pass appropriate order as provided under law.

The question whether the land is command or not, cannot be decided in this contempt petition, so far as 4 bighas land is concerned. It is also apparent from the slip placed on record by the petitioners that the first slip was issued in the month of September, 2005, as stated by the respondents, therefore, I do not find any reason to continue with these contempt proceedings in such fact circumstances.

In view of the above, this contempt petition is dismissed and the notices are discharged.

However, it is expected from the Revenue Appellate Authority, Bikaner to see that its order should be given due respect.

(PRAKASH TATIA), J.

S.Phophaliya